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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Neumeier et al.

Serial No 09/868,156

Filed: 6/12/01

For: Method of Producing a Micro-Electromechanical
Element



Group Art Unit: Unassigned

Examiner: Unassigned

RECEIVED
15 MAY 2003
Patent Division

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNDER 37 CFR 1.495(b)(2)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

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JAN 16 2003

This application became abandoned on November 21, 2002.

OFFICE OF PETITIONS

This petition is filed

- ☒ X within one year of the date of abandonment.
☐ within three months of the date of the first decision on a petition to revive under 37
CFR 1.137(a) which was filed within one year of the date of abandonment.
☐ the three month period has been extended up to _____.

This application became abandoned due to the failure to respond to the Missing Parts Notice. However, Applicant did mail the response to the Notice via Express Mail on September 14, 2001. Attached herewith is a copy of the response, as well as all the attachments contained therein, and a copy of the date-stamped postcard returned by the PTO acknowledging receipt of this submission.

The Notification of Abandonment states that the Missing Requirements Notice was mailed to Applicant on October 22, 2001. However, the Notice Applicant received was dated July 23, 2001 (to which the response was filed). If a second Notice was mailed to Applicant, it was not received. Enclosed is a copy of the docket record for this application, which shows that a second notice was not received nor docketed by Applicant. Applicant believes that a second notice was not necessary since all requirements were mailed with the Response filed September 14, 2001.

Applicant does not consider it appropriate for the Patent Office to charge a fee for this petition in view of the Patent Office's failure to acknowledge Applicant's timely submission of the Missing Requirements. Accordingly, Applicant requests that the fee herein be waived.

If it is deemed necessary to charge a fee for this petition, then the fee of \$110.00 and any other fees which may be due should be charged to our Deposit Account 07-1445 (Order No. SCHO0059). A copy of this sheet is enclosed herewith for such purpose.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,



Michael A. Glenn
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